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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 OCEANA, INC.,

14 Plaintiff,

15 v.

16 NATIONAL MARINE FISHERIES
17 SERVICE,

18 Defendant.

No. 2:24-cv-10929-JLS-PD

**DEFENDANT'S STATEMENT OF
UNCONTROVERTED FACTS**

Hearing Date: September 26, 2025
Hearing Time: 10:30 a.m.
Cttrn: 8A

Hon. Josephine L. Staton
United States District Judge

STATEMENT OF UNCONTROVERTED FACTS

SUF No.	Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
1.	Defendant National Marine Fisheries Service (commonly referred to as "NOAA Fisheries"), is part of the National Oceanographic and Atmospheric Administration ("NOAA"), which in turn is a component of the Department of Commerce. Declaration of Jon McVeigh ("McVeigh Decl."), ¶ 1.	1.
2.	NOAA Fisheries is responsible for the stewardship of the nation's ocean resources and their habitat. McVeigh Decl., ¶ 4.	2.
3.	NOAA Fisheries uses a system of observers – professionally trained biological technicians – to gather data on what is caught and what is discarded by U.S. commercial fishing vessels. McVeigh Decl., ¶ 5.	3.
4.	The data collected by observers are used to assess fish populations, set fishing quotas,	4.

1	and inform sustainable fisheries	
2	management. NOAA Fisheries coordinates	
3	up to 18 observer programs in five regions.	
4		
5	McVeigh Decl., ¶¶ 7, 8.	
6	5. On June 22, 2022, Plaintiff submitted a	5.
7	FOIA request to Defendant (“FOIA	
8	Request”).	
9		
10	McVeigh Decl., ¶ 13, Ex. 1 (FOIA	
11	Request).	
12	6. At Defendant’s request, Plaintiff agreed to	6.
13	limit the time period of the FOIA Request	
14	to extend back only to 2007.	
15		
16	McVeigh Decl., ¶ 24, Ex. 2.	
17	7. On October 6, 2022, Defendant informed	7.
18	Plaintiff that, with respect to the portion of	
19	the Request seeking records related to the	
20	Gillnet Observer Program, all responsive	
21	records for the California set gillnet fishery	
22	not exempt from production had already	
23	been produced to Plaintiff in response to a	
24	2014 FOIA request, and that “[Defendant]	
25	has not collected any new responsive photos	
26	or videos in this fishery since the 2014 []	
27	release.”	
28		

	McVeigh Decl., ¶ 25, Ex. 3.	
8.	On January 13, 2023, Defendant provided Plaintiff with a final determination letter, dated January 10, 2023, on their FOIA Request. McVeigh Decl., ¶ 32, Ex. 5.	8.
9.	The 77 photographs withheld by Defendant were taken by observers of the Groundfish Observer Program in the California halibut trawl fishery. McVeigh Decl., ¶¶ 36-37.	9.
10.	The withheld photographs have the following identifiable species (or aggregate) within them: a. Bat ray b. Big skate c. Brandt's cormorant d. Cowcod rockfish e. Dungeness crab f. Giant sea bass g. Green sturgeon h. Soupfin shark i. Aggregate catch on the deck of an observed California halibut bottom trawl	10.

1	vessel.	
2		
3	McVeigh Decl., ¶ 38.	
4	11 None of the withheld photographs contain	11.
5	images of marine mammals.	
6		
7	McVeigh Decl., ¶ 39.	
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10 Dated: June 20, 2025

Respectfully submitted,

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